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Notice of Allowability	Application No.	Applicant(s)	
	10/055,198	KOZIATEK, STANLEY	
	Examiner	Art Unit	
	Justin R Fischer	1733	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 March 2004.
2. ☒ The allowed claim(s) is/are 1 and 3-6 (renumbered 1-5).
3. ☒ The drawings filed on 22 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

Election/Restrictions

1. This application is in condition for allowance except for the presence of claims 7-15 to inventions non-elected without traverse. Accordingly, claims 7-15 have been cancelled.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George McGuire on May 20, 2004.

In the claims:

Non-elected claims 7-15 are cancelled.

Claim 1 is rewritten as follows:

1. A system for converting and retrofitting a bicycle wheel having a tire with an inner cavity engaged to a rim with an inner channel, comprising:
a strip of rim tape disposed within said channel;
a strip of sealing tape disposed within said channel, wherein said sealing tape completely covers said rim tape; and

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a liquid sealing compound disposed within said channel and said cavity and adapted for disposal within said wheel for sealing along said sealing tape and said beads, wherein said sealing compound comprises:

- about 3 parts by volume liquid latex;
- about 7 parts by volume water; and
- about 6 parts by volume propylene glycol.

Allowable Subject Matter

3. Claims 1 and 3-6 (renumbered 1-5) are allowed. The following is an examiner's statement of reasons for allowance:

It is known in the tire industry to include multiple layers of material in the rim well of a given tire/rim assembly, wherein these layers can be viewed as a strip of rim tape and a strip of sealing tape. Aloy (US 4,824,177, of record) shows one example of such a construction in which (i) a protective disc or rim tape 27 is disposed over a valve stem in the base region of the rim and (ii) an elastic band or sealing strip 26 is disposed over said rim strip, thereby completely covering it. Furthermore, while Aloy fails to suggest the use of a sealing compound within the tire cavity, it is well known to include a sealing compound in a tire cavity to provide puncture resistance and provide an airtight seal between tire components, as shown for example by Augier (US 4,658,876). As to the composition of the sealing compound, latex, propylene glycol, and water are recognized as common components of a tire sealing compound. Fang (US 6,605,654: Column 4, Lines 15-35) and Magyar (US 4,501,825: Column 3, Lines 5-20) evidence the use of

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these materials in a tire sealing compound; however, the prior art references of record fail to suggest, disclose, or teach the specific sealing compound of the claimed invention in combination with a tire construction having a rim tape and a sealing tape.

Furthermore, the declaration under 37 CFR 1.132 filed March 18, 2004 is seen to demonstrate that the claimed sealing compound and tubeless system produced unexpected results, fulfilled a long-felt need in the industry, and achieved commercial success. It is emphasized that the declaration identifies various sources that identify the claimed sealing compound and tubeless system as "the best kept secret in the cross-country racing game" that "saves gobs of money and well over 100 grams per wheel" and "has been found in the tires of the world's most elite professional cross-country racers". Thus, one of ordinary skill in the art at the time of the invention would not have found it obvious to include a liquid sealing compound comprising latex (3 parts by volume), water (7 parts by volume), and propylene glycol (6 parts by volume) in a tubeless tire system having a rim tape and a strip of sealing tape disposed within the inner channel of the rim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

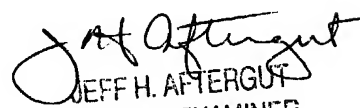
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

May 20, 2004


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300